IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

BP CORPORATION NORTH AMERICA INC.) FILED: OCTOBER 21, 2008
SAVINGS PLAN INVESTMENT OVERSIGHT) 08CV6029
COMMITTEE serving in its capacity as a named)
fiduciary of the BP Employee Savings Plan, the BP) JUDGE HIBBLER
Capital Accumulation Plan, the BP DirectSave Plan,) MAGISTRATE JUDGE DENLOW
the BP Employee Savings Plan of Puerto Rico, and) CH
the BP Partnership Savings Plan under the BP)
Master Trust for Employee Savings Plans and the)
BP Solar Employee Savings Plan under the Trust for)
the BP Solar Employee Savings Plan, and BP)
CORPORATION NORTH AMERICA INC.)
INVESTMENT COMMITTEE serving in its)
capacity as a named fiduciary of the BP Retirement)
Accumulation Plan and the Enstar Corporation)
Retirement Plan under the BP Master Trust for)
Employee Pension Plans,)
)
Plaintiffs,)
) CIVIL ACTION NO
v.)
NODTHEDNITCH INVESTMENTS N.A. 1)
NORTHERN TRUST INVESTMENTS, N.A. and)
THE NORTHERN TRUST COMPANY,)
Defendants.)
Defendants.	

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Plaintiffs Plan Committees,¹ by and through their undersigned attorneys, pursuant to Fed. R. Civ. P. 65, and Section 502(a)(3) of ERISA, 29 U.S.C. § 1132(a)(3), hereby move for the entry of a temporary restraining order to preserve the status quo which restrains the NT Defendants from (i) taking any further action to assign losses to Plan assets on account of losses in the NT Defendants' securities lending program and (ii) distributing the fruits of the securities lending program to the Plans in lieu of cash or the securities the Plan Committees directed the

¹ Capitalized terms, not otherwise defined herein, shall have the same meaning given in the Complaint.

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NT Defendants to buy; and preliminarily ordering the distribution of the proper in-kind securities or cash.

Respectfully submitted,

s/ Keith P. Schoeneberger

Keith P. Schoeneberger

Michael H. King Keith P. Schoeneberger Therese K. Nohos Bryan M. Westhoff DEWEY & LEBOEUF LLP 180 North Stetson, Suite 3700 Two Prudential Plaza Chicago, IL 60601-6710 Telephone: 312-794-8000

Facsimile: 312-794-8000

PLAINTIFFS' COUNSEL

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CERTIFICATE OF SERVICE

Keith P. Schoeneberger, an attorney, hereby certifies that on this 21th day of October 2008, he caused a true and correct copy of the foregoing document, **PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** to be served on the parties listed below by sending said documents by means listed below on October 21, 2007.

BY HAND

Northern Trust Investments, N.A. Attention: Guy Sclafani 50 South LaSalle Street Chicago, IL 60603

BY HAND

The Northern Trust Company 50 South LaSalle Street Chicago, IL 60603

By: <u>/s/ Keith P. Schoeneberger_</u>

Keith P. Schoeneberger